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Attorneys for Defendant Sunrise Pharmaceutical, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

VISION PHARMA, LLC,

Plaintiff,

v.

SUNRISE PHARMACEUTICAL, INC.,

Defendant.

Civil Action No. 2:13-cv-04692 (CCC) (MF)

NOTICE OF MOTION TO DISMISS

Oral Argument Requested

TO: ALL COUNSEL

PLEASE TAKE NOTICE that on November 18, 2013, at 10:00 a.m., or as soon thereafter as counsel may be heard, Podvey, Meanor, Catenacci, Hildner, Coccoziello & Chattman, a Professional Corporation, counsel for defendant Sunrise Pharmaceutical, Inc. (“Sunrise”) will move this Court before the Honorable Claire C. Cecchi, United States District Judge, District of New Jersey, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut

Street, Newark, New Jersey, pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6) and 12(b)(7), for an Order dismissing the Complaint of plaintiff Vision Pharma, LLC, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Sunrise will rely upon the Memorandum of Law and Declaration of Utpal Patel submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of order is also submitted herewith for the Court's consideration.

Oral argument is requested.

Dated: October 15, 2013

s/ Gregory D. Miller

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